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December 22, 2016

VIA CM/ECF

The Honorable Christopher J. Burke
United States District Court, District of Delaware
844 N. King Street
Wilmington, DE 19801

RE: *International Business Machines Corp. v. The Priceline Group Inc., et al.*,
Civ. No. 15-137-LPS

Dear Magistrate Judge Burke:

Pursuant to the Court's Oral Order dated December 7, 2016, Plaintiff International Business Machines Corporation ("IBM") and Defendants KAYAK Software Corporation, OpenTable, Inc., priceline.com LLC, and the Priceline Group Inc. (collectively, "Defendants") respectfully submit this joint letter advising the Court as to the decisions of the Patent Appeal and Trial Board (PTAB) on Defendants' pending Covered Business Method (CBM) petitions and providing the parties' views on how the decisions should affect the Court's ruling on Defendants' motion seeking to stay proceedings pending resolution of the *Inter Partes Review* (IPR) and CBM proceedings (D.I. 115).

On Thursday, December 15, 2016, the PTAB rendered decisions in Cases CBM2016-00075, CBM2016-00076, CBM2016-00077, and CBM2016-00078, declining to institute CBM review and denying Defendants' petitions in their entirety. (Exs. 1-4.) The parties jointly agree that, in light of the PTAB's denial of institution, a stay of this litigation is not appropriate at this time. Accordingly, Defendants intend to withdraw the pending motion to stay (D.I. 115) without prejudice. In particular, should Defendants successfully pursue a motion for reconsideration of the denial of institution decisions, Defendants reserve the right to renew their motion to stay. Plaintiff IBM reserves the right to oppose such a renewal of Defendants' motion to stay.

If Your Honor requires additional information, the parties are available at the Court's convenience.

Respectfully,

Francis DiGiovanni

FD/pn

cc: All Counsel of Record (via CM/ECF)